

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

KARA JO AIKENS,	)	Case No.: 1:15-cv-10058
	)	
Plaintiff,	)	
v.	)	District Judge Thomas L. Ludington
	)	Magistrate Judge Patricia T. Morris
SYNCHRONY FINANCIAL d/b/a	)	
Synchrony Bank f/k/a GE Capital Retail	)	
Bank,	)	
	)	
Defendant.	)	

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**AMENDED COMPLAINT**

NOW COMES Plaintiff, KARA JO AIKENS (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., and hereby alleges the following against Defendant, SYNCHRONY FINANCIAL d/b/a Synchrony Bank f/k/a GE Capital Retail Bank (“Defendant”):

**INTRODUCTION**

1. Plaintiff’s Amended Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

**JURISDICTION and VENUE**

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the conduct giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transacts business in this district”

**PARTIES**

4. Plaintiff is a natural person residing in Twining, Michigan, Arenac County.

5. Defendant is a business entity with an office located at 777 Long Ridge Rd.,

Stamford, CT, 06902.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

7. In 2014, Defendant began placing telephone calls to (989) 414-98xx, Plaintiff's cellular telephone.

8. Defendant used phone number (937) 534-2092 to call Plaintiff.

9. Upon information and good faith belief, based on the frequency, number, nature and character of these calls, Defendant used an automatic telephone dialing system or other equipment capable of storing and/or producing telephone numbers ("auto dialer") to call Plaintiff.

10. Defendant called Plaintiff's cell phone attempting to reach an individual named Sam.

11. When Plaintiff answered Defendant's phone calls, she experienced a delay before a voice recording or live human voice came on the line.

12. During numerous phone calls Plaintiff only heard a recording of a human voice after the delay. Plaintiff did not speak to a live human during these particular calls.

13. During the phone calls where Plaintiff did speak to a live human, that caller only came on the line after a delay of a few seconds.

14. These calls were for non-emergency purposes.

15. Plaintiff does not have any business relationship with Defendant.

16. Plaintiff never provided Defendant with her cell phone number.

17. Defendant did not have Plaintiff's express consent to use an auto dialer to call her

cell phone.

18. Plaintiff informed Defendant that she is not the individual Defendant was attempting to call.

19. Defendant continued to use an auto dialer to call Plaintiff's cell phone.

20. Since October 29, 2014, Defendant used an auto dialer to call Plaintiff's cell phone at least one hundred one (101) times.

21. Defendant did not have Plaintiff's express consent to use an auto dialer to place these calls to Plaintiff's cell phone.

22. Defendant intended to use an auto dialer to place these calls.

23. Defendant voluntarily and willfully placed these calls.

**COUNT I**  
**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

24. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

25. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, KARA JO AIKENS, respectfully requests judgment be entered against Defendant, SYNCHRONY FINANCIAL d/b/a Synchrony Bank f/k/a GE Capital Retail Bank, for the following

26. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

27. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
28. All court costs, witness fees and other fees incurred;
29. Any other relief that this Honorable Court deems appropriate.

Dated: September 2, 2015

KROHN & MOSS, LTD.

/s/ Ryan Lee  
Ryan Lee  
Krohn & Moss, Ltd.  
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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on September 2, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF and served all counsels of record via transmission of Notices of Electronic Filing generated by CM/ECF.

By: /s/ Ryan Lee  
Ryan Lee